

## REMARKS

The above claims of record in the above-captioned application along with the following remarks are being submitted as a full and complete response to the Official Action dated August 26, 2004, and in conjunction with the RCE filed herewith. In view of the above amendments and the following remarks, the Examiner is respectfully requested to give due reconsideration to this application, to indicate the allowability of the claims, and to pass this case to issue.

### Status of the Claims

Claims 1-22 are under consideration in this application. Claim 1 is being amended, as set forth in the above marked-up presentation of the claim amendments, in order to more particularly define and distinctly claim applicants' invention.

### Additional Amendments

The claims are being amended to correct formal errors and/or to better disclose or describe the features of the present invention as claimed. All the amendments to the claims are supported by the specification. Applicants hereby submit that no new matter is being introduced into the application through the submission of this response.

### Prior Art Rejection

Claims 1-16 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,293,802 to Ahlgren. (hereinafter "Ahlgren") in view of U.S. Pat. No. 6,705,942 to Crook et al. (hereinafter "Crook"), and claims 17-19 were rejected as being unpatentable over Ahlgren, in view of Crook, and further in view of U.S. Pat. No. 5,857,855 to Katayama (hereinafter "Katayama"). These rejections have been carefully considered, but are most respectfully traversed, as more fully discussed below.

A body movement training method of the present invention, as now recited in claim 1 (e.g., Figs. 1-2), comprises: storing images of at least one trainer in a server; providing mobile image communication between a trainee and the server; taking at least one image of the trainee at a training or sport site 5; searching the server for at least one of the images of said trainer with a *corresponding movement* to said image of the trainee (page 12, line 7) based upon a request of the trainee sent from a *portable mobile phone communication terminal* 1 via the mobile image communication to the server (p. 10, 2<sup>nd</sup> paragraph); sending

said searched image of the trainer to the portable mobile phone communication terminal via the mobile image communication; displaying side by side said searched image of said trainer and said image of the trainee on the portable mobile phone communication terminal 1. The mobile image communication is implemented by a public mobile network system ("such as a PDC/PHS" p. 7. line 8; also derived from the operation network of a cellular phone shown in Fig. 2), and Internet.

Applicant respectfully submits that none of the cited prior art references discloses, teaches or suggests "searching the server for at least one of the images of said trainer with a corresponding movement to said image of the trainee based upon a request of the trainee sent from a **portable mobile phone communication terminal** via the mobile image communication to the server" and "displaying side by side said searched image of said trainer and said image of the trainee on the **portable mobile phone communication terminal**" "the mobile image communication is implemented by a public mobile network system and Internet" as recited in claim 1 according to the invention.

As admitted by the Examiner on page 3, lines 5-6 of the outstanding Office Action, Ahlgren does not disclose that a user may request image data from a portable device.

Crook's system for providing golf instructions over a network to a hand-held apparatus 910a were relied upon by the Examiner to teach a portable impulse radio & computer system (Fig. 9). Crook's system 900 "*includes at least one apparatus 910 (e.g., handheld apparatus 910a, large screen apparatus 910a), a base station 920 and at least one server 930 (e.g., database server 930a, food and beverage server 930b, and web site server 930c) and a kiosk 940 (optional) all of which are capable of providing multiple users with a wide range of golf related information* (col. 12, lines 29-35)". However, Crook's impulse radio & computer system is different from a conventional *portable mobile phone communication terminal* of the invention in essence, since Crook's system does not transmit and receive signals via a public mobile network system like a mobile phone.

The impulse radio technology applied by Crook is also named as UWB - or *Ultra Wideband* - a technology did not have a universal/public standard as of the filing date of the application on May 2, 2001, and as of now. As such, its application was limited to a private group within the golf course ("*the handheld apparatus 910a functions as a non-intrusive tracking and data collection device that can provide benefits to three primary groups of users which include golf course personnel, golf trainers and golfers. The golf course personnel can*

*utilize the handheld apparatus 910a to track assets such as carts, mowers, employees or golfers (col. 15, lines 45-50),” which is not accessible for the public via a public mobile network system as the invention. The information so collected by the Crook’s system contained commercial operation secrets which should not be accessible by the public or competitors of the golf course.*

*The impulse radio technology uses extremely short pulses (.1 to 1.5 Nanoseconds) and very low average power in the milliwatt range. Ultra Wideband Radiation has been defined as any radiation in which the 3db bandwidth is at least 25% or greater of its center frequency. Impulse radio systems communicate by encoding each symbol as a sequence of short pulses. As described in the attached article, an *Uraxs Remote Unified Messaging System (RUMS)* (became available only after the invention) *is currently in development of UWB. This Messaging System will first be customized for use by children (we call it the RUMS4c), and then modified for use by the elderly (RUMS4e) and security personnel (RUMS4s). Unlike devices using conventional radio systems, UWB devices operate by employing very narrow or short duration pulses that result in very large, or wideband, transmission bandwidths. With appropriate technical standards, UWB devices can operate using the frequency spectrum occupied by existing radio services without causing interference, thereby permitting scarce spectrum resources to be used more efficiently. Other advantages that come from using UWB as a communication mode include:**

- □ *High security of transmitted signals. It is nearly impossible to synchronize on the pulsed signal if you aren't the intended receiver.*
- □ *Very low cost of implementation. UWB requires less power to transmit and therefore requires few components and very small power sources.*

On the other hand, conventional radio systems applied by the invention cannot expand to accommodate this growing use of bandwidth. The frequencies available for applications of conventional radio systems are limited in number and regulated heavily by government bodies around the world, including the FCC in the United States so as to be available for the public. Nevertheless, the traditional mobile phone of the invention, does allow communicating with any terminal in a public mobile network system, i.e., a network of short-range transmitters located in overlapping cells throughout a region, with a central station making connections to regular telephone lines, rather than just a limited/private group. In particular, a golfer can purchase any portable mobile phone communication terminal from

any stores rather than a specific golf shop. Moreover, such a portable mobile phone communication terminal can be used in any places, rather than just in golf courses. Even more, such a portable mobile phone communication terminal can be used in any golf course, rather than just one specific golf course. On the contrary, Crook's handheld apparatus 910a was owned and programmed by a particular golf course so as to (1) *"track assets such as carts, mowers, employees or golfers (col. 15, lines 50)"* ; and (2) *"to drive revenue into the golf trainer's department (col. 15, line 65)"*

There are clear distinctions between Crook's handheld impulse radio apparatus 910a and a mobile phone communication terminal according to the invention as of May 2, 2001, the filing date of the application.

Secondly, although a golfer may request golf training data from a server 930a via the handheld apparatus 910a (p. 3, lines 6-7), these pre-programmed images are limited to the layout of one of the golf holes, the distance from the golf ball 1006 to the golf pin 1004 (e.g., distance "a"), advertisements (as shown), weather reports or a copy of the menu, distance the golf ball 1006 was previously hit by the golfer (e.g., distance "b") (col. 15, lines 27-41; Fig. 10). Contrary to the Examiner's assertion, Crook's system does NOT show a golfer's swing side-by-side with a professional's swing on the handheld apparatus 910a. It was *"the web site 1016 [of the server 930] enables the golfer to view specific information about their golf game and also enables the golfer to compare their statistics with the statistics of other golfers (having the same handicap or age) that have played at that golf course 1000 (col. 18, lines 41-46)".* *"By tracking the swing mechanics of the golfer, a golf trainer can help improve the game of the golfer by comparing (on the web site 1016) the golfer's swing mechanics to a professional's swing mechanics (col. 25, lines 5-9)."* Even if, arguendo, the apparatuses 910a illuminates the golfer-pro swing images side-by-side as transmitted from the server, the searching and displaying of the side-by-side images was initiated and requested by the golf trainer to create more business, rather than *"upon a request of the trainee"* as recited in the searching step of claim 1. Crook's apparatuses 910a at the golf course 1000 illuminates various weaknesses in the golfer's game so as to lead the golfer back to the driving range 1202 (col. 25, lines 11-14).

Even if, arguendo, a person of ordinary skill were motivated to combine the teachings in Ahlgren and Crook as alleged by the Examiner, such combined teachings would still fall short in fully meeting the Applicants' claimed invention as set forth in claim 1 since, as discussed, there is no teaching of "searching the server for at least one of the images of

said trainer with a corresponding movement to said image of the trainee based upon a request of the trainee sent from a **portable mobile phone communication terminal** via a public mobile image communication network to the server” and “displaying side by side said searched image of said trainer and said image of the trainee on the **portable mobile phone communication terminal**” in either Ahlgren or Crook.

Katayama and other cited prior art references fail to compensate for the above-mentioned deficiencies.

Although the invention applies a general portable mobile phone communication terminal, the invention applies the portable mobile phone communication terminal accessible to a public mobile network system to achieve unexpected results or properties, such as a golfer can purchase any portable mobile phone communication terminal from any stores rather than a specific golf shop, such a portable mobile phone communication terminal can be used in any places, rather than just in golf courses or just one specific golf course. The presence of these unexpected properties is evidence of nonobviousness. MPEP§716.02(a).

*“Presence of a property not possessed by the prior art is evidence of nonobviousness. In re Papesch, 315 F.2d 381, 137 USPQ 43 (CCPA 1963) (rejection of claims to compound structurally similar to the prior art compound was reversed because claimed compound unexpectedly possessed anti-inflammatory properties not possessed by the prior art compound); Ex parte Thumm, 132 USPQ 66 (Bd. App. 1961) (Appellant showed that the claimed range of ethylene diamine was effective for the purpose of producing " 'regenerated cellulose consisting substantially entirely of skin' " whereas the prior art warned "this compound has 'practically no effect.' " ).*

Although “[t]he submission of evidence that a new product possesses unexpected properties does not necessarily require a conclusion that the claimed invention is nonobvious. In re Payne, 606 F.2d 303, 203 USPQ 245 (CCPA 1979). See the discussion of latent properties and additional advantages in MPEP § 2145”, the above-mentioned unexpected properties were unknown and non-inherent functions in view of Crook, since Crook does not inherently achieve the same results. In other words, these advantages would not flow naturally from following the teachings of Crook, since Crook fails to suggest “searching the server for at least one of the images of said trainer with a corresponding movement to said image of the trainee based upon a request of the trainee sent from a

**portable mobile phone communication terminal** via a public mobile image communication network to the server” and “displaying side by side said searched image of said trainer and said image of the trainee on the ***portable mobile phone communication terminal***”.

Applicants further contend that the mere fact that one of skill in the art could arrange Crook’s handheld apparatus 910a in the Ahlgren system to meet the terms of the claims is not by itself sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for one skilled in the art to achieve the claimed combination, much less the unexpected properties achieved by the invention, such as such as a golfer can purchase any portable mobile phone communication terminal from any stores rather than a specific golf shop, such a portable mobile phone communication terminal can be used in any places, rather than just in golf courses or just one specific golf course, without the benefit of appellant's specification, to make the necessary changes in the reference device. *Ex parte Chicago Rawhide Mfg. Co.*, 223 USPQ 351, 353 (Bd. Pat. App. & Inter. 1984). MPEP§2144.04 VI C.

Applicants contend that Ahlgren, Crook, or their combination fails to teach or disclose each and every feature of the present invention as disclosed in independent claim 1. As such, the present invention as now claimed is distinguishable and thereby allowable over the rejections raised in the Office Action. The withdrawal of the outstanding prior art rejections is in order, and is respectfully solicited.

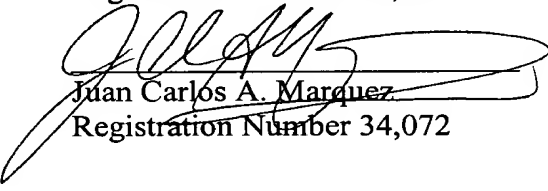
### Conclusion

In view of all the above, clear and distinct differences as discussed exist between the present invention as now claimed and the prior art reference upon which the rejections in the Office Action rely, Applicant respectfully contends that the prior art references cannot anticipate the present invention or render the present invention obvious. Rather, the present invention as a whole is distinguishable, and thereby allowable over the prior art.

Favorable reconsideration of this application is respectfully solicited. Should there be any outstanding issues requiring discussion that would further the prosecution and allowance of the above-captioned application, the Examiner is invited to contact the Applicant's undersigned representative at the address and phone number indicated below.

Respectfully submitted,

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